

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

IN RE:

Case No.: 1:18-mc-6 (CFH)

\$18,498.00 in U.S. Currency,

**GOVERNMENT'S APPLICATION AND ORDER TO
EXTEND THE DEADLINE TO FILE A COMPLAINT**

WHEREAS, the United States of America, by and through United States Attorney Grant C. Jaquith and Assistant United States Attorney Tamara B. Thomson, makes this application to the Court under 18 U.S.C. § 983(a)(3)(A) to extend, by agreement of the parties, the period for the United States Attorney's Office to file a Complaint in a Civil Forfeiture case. In support of its application the United States of America states as follows:

WHEREAS, Title 18, United States Code, Section 983(a)(3)(A) provides that:

[n]ot later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or *upon agreement of the parties*.

18 U.S.C. § 983(a)(3)(A) (emphasis added).

WHEREAS, on or about December 4, 2017, the Drug Enforcement Administration ("DEA") sent written notice to all known potential claimants of the government's intention to forfeit the \$18,498.00 in U.S. currency in a non-judicial forfeiture proceeding, and caused that notice to be published in a newspaper of general circulation.

WHEREAS, on or about January 8, 2018, DEA received an administrative claim from Michael Feit, Esq. on behalf of Amin Cowan, electing to have the matter of the seizure and forfeiture of the \$18,498.00 in U.S. currency referred for judicial action.

WHEREAS, Amin Cowan is the only potential claimant to have filed an administrative claim in connection with this forfeiture.

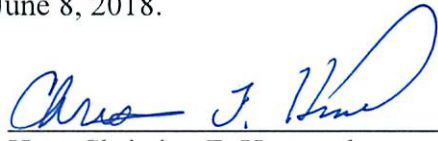
WHEREAS, in accordance with 18 U.S.C. § 983(a)(3)(A), except by agreement of the parties or for good cause shown, the government has no more than 90 days after a claim has been filed to file a complaint for forfeiture, that deadline in this case is April 9, 2018. The government and Mr. Feit are actively engaged in ongoing discussions in the hopes of resolving this forfeiture matter. Mr. Feit has requested the opportunity to provide documentation to the government to support Mr. Cowan's claim. Accordingly, the parties have agreed to extend the deadline for the filing of the complaint for an additional 60 days. *See* 18 U.S.C. § 983(a)(3)(A); *United States v. Miscellaneous Firearms, Silencers and Ammunition*, 2012 WL 3877797, at *3 (N.D. Cal. Sept. 6, 2012) (complaint was timely filed because claimant, through counsel, agreed to an extension of time).

WHEREAS, the government, having received the consent of Michael A. Feit, Esq., attorney for Amin Cowan, respectfully requests that the Court enter an Order extending the period for the United States Attorney's Office to file a complaint for forfeiture with the United States District Court for the Northern District of New York by an additional 60 days, from April 9, 2018 to June 8, 2018.

THEREFORE, IT IS HEREBY:

ORDERED, that the period for the United States Attorney's Office to file a Complaint is hereby extended by 60 days, from April 9, 2018 to June 8, 2018.

Dated April 10, 2018



Hon. Christian F. Hummel
United States Magistrate Judge